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PATENT

Attorney Docket No.: 18563-000120

Assistant Commissioner for Patents

Washington, D.C. 20231, on SEPTEMBER 8, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Karen A. Hallock  
Karen A. Hallock

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MUHAMMAD CHISHTI et al.

Application No.: 09/466,353

Filed: December 17, 1999

For: METHOD AND SYSTEM FOR  
INCREMENTALLY MOVING  
TEETH

Examiner: Unassigned

Art Unit: 3732

**DECLARATION OF JAMES M.  
HESLIN IN SUPPORT OF PETITION  
UNDER 37 CFR §1.47(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, **JAMES M. HESLIN**, hereby declare as follows:

1. I am a partner at the law firm of Townsend and Townsend and Crew LLP, the law firm responsible for prosecution of the above-referenced patent application.
2. The above-referenced patent application was filed as a continuation of PCT application no. PCT/US98/12861, which had been filed on June 19, 1998. At the time of filing the PCT application, Muhammad Chishti, Apostolos Leros, Brian Freyburger, Kelsey Wirth, Richard Ridgley, Andrew Beers, and Chase Garfinkle, were listed as Inventors on the PCT filing papers. At the time of responding to an Invitation to Correct Defects, Andrew Beers and Chase Garfinkle were removed as Inventors from the application. A copy of the submission dated August 13, 1998, which removed both Mr. Beers and Mr. Garfinkle as Inventors, and which submitted the Powers of Attorney from all other five Inventors, is attached as **Exhibit A**.
3. After receiving the Notice to File Missing Parts in the above-referenced patent application, formal papers for signature by the Inventors were sent to Bao Tran,

Director, Legal Affairs, at Align Technology, Inc., the Assignee of the above-referenced patent application. A copy of the transmittal letter forwarding the formal papers is attached as **Exhibit B** hereto. The documents were sent on March 22, 2000, and since that date, four of the five actual Inventors have signed the necessary Declaration.

4. In about mid-June 2000, I contacted Mr. Tran to determine the status of the Declaration. At that time, I learned that Apostolos Leros was unwilling to sign the Declaration. At that time, I sent Mr. Leros the Declaration for the above-referenced patent application for his signature. A copy of my letter to Mr. Leros dated June 21, 2000, together with a return receipt signed by Mr. Leros indicating that the letter was received by him on June 24, 2000, is attached as **Exhibit C** hereto.

5. I never received any response to my request in the letter of June 21, 2000, that Mr. Leros sign and return the Declaration to me.

6. I sent a further request to Mr. Leros on August 11, 2000, a copy of which is attached as **Exhibit D**. I have not received either a return postcard acknowledging receipt of the letter by Mr. Leros or any response to the second request.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: SEPT 8, 2000

  
James M. Heslin

Enclosures:

Exhibit A: *August 13, 1998 Documentation*  
Exhibit B: *March 22, 2000 Letter to Bao Tran*  
Exhibit C: *June 21, 2000 Letter to A. Leros*  
Exhibit D: *August 11, 2000, Letter to A. Leros*